

**Town of La Pointe Zoning  
Town Plan Commission Special Monthly Meeting Minutes  
Wednesday, December 2, 2009**

**Town Plan Commission (TPC) Members Present:** Ted Pallas; Chair, Charles Brummer; Vice-Chair, Larry Whalen, Greg Thury, Suellen Soucek, Ron Madich, Carey Baxter (7)

**Town Plan Commission Members Absent:** None

**Public Present:** Paul Brummer (1)

**Town Staff Members Present:** Jennifer Croonborg; ZA, Margaretta Kusch; ZCA (2)

**I. Call to Order/Roll Call**

Chair, T. Pallas called the meeting to order at 5:01 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

**II. Public Comment**

None.

**III. Approval of Previous Meeting Minutes:**

**a. Town Plan Commission Special Monthly Meeting, November 11, 2009**

- In Item V d., change “cause” to “because.”
- In Item V d., replace “the Commercial District” with “that.”
- In Item V d., make clear that the sentence “He states that he doesn’t think anybody would object: this is a service we all need; this is a good idea, a good idea for all of us” is an opinion. Changed to read, “He states that he doesn’t think anybody would object. R. Madich states his opinion that this is a service we all need; this is a good idea, a good idea for all of us.”

Chair Pallas moves to approve the minutes of November 11<sup>th</sup> as amended. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

**b. Town Plan Commission Regular Monthly Meeting, November 18, 2009**

- In Item V c., delete “and.”
- In Item V d., delete “the.”
- In Item V d., replace “is” with “will be.”
- In Item VI b., delete “and everything else, insert “Mr. Nelson,” to read: “...but if any work is done in meantime, Mr. Nelson will be looking at double fees.”

C. Brummer moves to approve the minutes of the Town Plan Commission Regular Monthly Meeting of Wednesday, November 18: 2009 as amended. G. Thury seconds. All in favor, 7 aye. Motion Carries.

**IV. Zoning Administrator’s Report**

Report will be due next time.

**V. Consideration and/or Action of Permit Applications:**

**a. Coffin, John RE: CSM to divide 10.2 acres from 58.74-acre parcel #014-00315-0100 at Amundsen Ln.**

Amended CSM has been submitted. G. Thury moves to recommend to the Town Board that the Town Board approve to the Town Hall the John Coffin CSM to divide property at LP #014-0315-0100 at Amundsen Ln. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

- b. **Winston, Frederick RE: CSM to divide 15-acre parcel #014-00009-1500 at 131 Old Fort Rd.**  
Not discussed.

## VI. Old Business

### a. **Zoning Ordinance Revision Project**

Mike Fauerbach sent in a 16-page fax of his suggested changes to the La Pointe Zoning Ordinance regarding reduced setbacks for non-conforming lots and related issues on Tuesday afternoon (December 1<sup>st</sup>). This fax deals with Sections 4.3, 4.4, 10.0, and 13.0.

#### **Review and possibly revise 4.3.3 Non-Conforming Grandfathered Lots**

Discussion ensues regarding Mr. Fauerbach's suggestions.

- Chair Pallas points out the suggested special exemption clause in the fax, which reads: "*A special exemption granted under this section may reduce the normal setback by 25% and in extraordinary cases might reduce setback up to 50%. However, the 25% reduction in setback may only be exceeded in circumstances where there is no reasonable buildable core within the lot unless the 25% is exceeded.*" The process of getting a special exemption would be similar to that of getting a CUP. For lots with insufficient area, a variance would still be needed.
- J. Croonborg states that she showed John Spangberg of the DNR the suggestions regarding lots in the Shoreland Zone. The phrase "*Shoreline Overlay*," not "*Shoreline Zone*," should be used. Mr. Spangberg suggested that the mitigation plan being prepared by the Ashland County Land Conservation Department was overly restrictive and that it should be changed to "*the mitigation plan shall be prepared by or approved by the Ashland County Land Conservation Department.*" J. Croonborg states that Mr. Fauerbach was fine with Mr. Spangberg's suggestion.
- J. Croonborg points out that Mr. Fauerbach has suggested that when two or more adjacent lots where one is non-conforming are owned by the same property owner, the lots are considered fused and are conforming. This is how it's done in many other places. This is something for the TPC to think about.
- J. Croonborg would like to remove the term "grandfathered" from the Zoning Ordinance, as it is an archaic term originating in Jim Crow laws (originally it meant that African-American people weren't allowed to vote unless their grandfather had been born in the United States). Most other ordinances don't use this anymore; she would like to use "non-conforming lots of prior record" or something similar.

Chair Pallas states that Mr. Fauerbach said he was excited to be a part of the process rather than just reviewing it after the fact.

Consensus to discuss section 4.3.3 at upcoming workshop in order for TPC members to have time to review Fauerbach's suggestions in detail.

#### **Review and possibly revise 8.4.2 Conditional Uses**

Not discussed.

## **Review and possibly revise 10.0 Zoning Board of Appeals**

Not discussed.

## **Review and possibly revise 6.0 Regulation of Special Uses**

Renumber section for clarity. Instead of 6.1.1, 6.1.2, etc., number as 6.1.a, 6.1.b, etc.

### **a. 6.1 General Provisions**

- Renumber “*Section 7.0*” to be consistent with updated Ordinance numbering.

Change title to read “*6.1 General Provisions for Special Uses requiring a Conditional Use Permit.*” Add “*6.2 General Provisions for Special Uses requiring a Land Use Permit*” between sections 6.7 and 6.8

### **b. 6.2 Quarries (Gravel Pits) and Mines**

- No changes at this time.

### **c. 6.3 Junk/Salvage Yards**

- No changes at this time.

### **d. 6.4 Garbage and Refuse Disposal Sites**

- No changes at this time.

### **e. 6.5 Planned Unit Developments**

- In 6.5.5, Delete “*Section VII (F) of*” to read “*...of this Ordinance and the Town Subdivision ordinance (Technical Memorandum #3).*”
- In 6.5.5, renumber “*Section 7.0*” and “*Section 8.0*” to be consistent with updated Ordinance numbering.

### **f. 6.6 Mobile Home Park**

- Discussion ensues regarding restrictions placed upon potential mobile home parks in this section. The minimum size (*10 acres*) and the minimum setbacks (*40 ft at all exterior boundary lines*) make it almost impossible create such a park on the island if mobile home parks will no longer be allowed in the W-2 district. Chair Pallas brings up the point that if there are no mobile home parks on island it makes it possible for individuals to bring mobile homes to their properties as a form of affordable housing. If a park existed, mobile homes would have to be put in the park instead of private property.
- Move “*Unless adequately screened by existing vegetative cover it shall be screened by a temporary planting of fast growing material, capable of reaching a height of 15 feet or more. The individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet*” to the end of 6.7 Travel Trailer Parks.
- Consensus that the creation of a mobile home park is highly unlikely to be created on the island as cost and zoning would be prohibitive. Delete section 6.6 Mobile Home Parks. Adjust all other sections of Ordinance that mention mobile home parks accordingly.

**g. 6.7 Travel Trailer Parks**

- Add “& Campgrounds” to title to read “6.7 TRAVEL TRAILER PARKS & CAMPGROUNDS”
- Delete final sentence “*The screening provisions for mobile home parks shall be met*” replace with final paragraph from 6.6 Mobile Home Parks (see above).

**h. 6.8 Rental of Single Family Dwellings**

- No changes at this time.

**i. 6.9 Light Industrial Zone**

- No changes at this time.

**Review and possibly revise 2.0 Definitions**

Not discussed.

**VII. New Business**

None.

**VIII. Future Agenda Items**

- 6.8 Rental of Single Family Dwellings
- 6.10 Use of Residential Dwellings and property for occupational or business uses
- 4.3.3 Non-Conforming Grandfathered Lots
- 8.4.2 Conditional Uses
- 10.0 Zoning Board of Appeals
- 13.0 Town Plan Commission

**IX. Schedule of Next Meeting**

Next TPC Zoning Ordinance Revision Project workshop to be held on Thursday, December 10<sup>th</sup> at 1 pm.  
Next TPC Regular Monthly Meeting to be held on Wednesday, December 16<sup>th</sup> at 5 pm.

**X. Adjournment**

C. Baxter moves to adjourn. G. Thury seconds. All in favor, 7 aye. Motion Carries.  
Meeting ends 6:30 PM.

**Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA, Friday December 4, 2009.**

**Town Plan Commission Minutes are approved as amended by Margaretta Kusch; ZCA, Wednesday, December 16, 2009.**